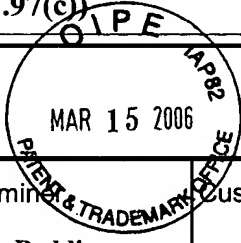


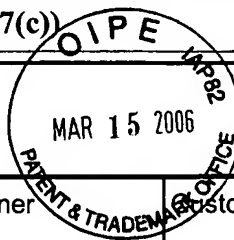
JPW

<b>TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT</b> (Under 37 CFR 1.97(b) or 1.97(c))				Docket No. <b>17414</b>	
In Re Application Of: <b>Hiroyuki Yonekawa, et al.</b>					
					
Application No.	Filing Date	Examining Officer	Customer No.	Group Art Unit	Confirmation No.
10/768,332	January 30, 2004	David A. Redding	23389	1744	6530
Title: <b>GENE EXAMINING APPARATUS AND METHOD OF DETECTING TARGET NUCLEIC ACID USING THE SAME</b>					
Address to: <b>Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</b>					
<b>37 CFR 1.97(b)</b>					
1. <input type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.					
<b>37 CFR 1.97(c)</b>					
2. <input checked="" type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:					
<input checked="" type="checkbox"/> the statement specified in 37 CFR 1.97(e);					
<b>OR</b>					
<input type="checkbox"/> the fee set forth in 37 CFR 1.17(p).					

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
17414

In Re Application of: **Hiroyuki Yonekawa, et al.**



Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/768,332	January 30, 2004	David A. Redding	23389	1744	6530

Title: **GENE EXAMINING APPARATUS AND METHOD OF DETECTING TARGET NUCLEIC ACID USING THE SAME**

**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 19-1013/SSMP as described below.
- ☐ Charge the amount of \_\_\_\_\_
- ☐ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**Certificate of Transmission by Facsimile\***

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fa

\_\_\_\_\_  
(Date)

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Signature

\_\_\_\_\_  
Typed or Printed Name of Person Signing Certificate

**Certificate of Mailing by First Class Mail**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

March 13, 2006  
(Date)

\_\_\_\_\_  
Signature of Person Mailing Correspondence

Thomas Spinelli

\_\_\_\_\_  
Typed or Printed Name of Person Mailing Certificate

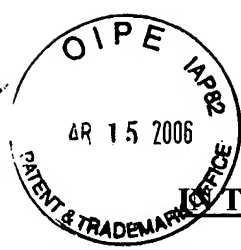
**\*This certificate may only be used if paying by deposit account.**

\_\_\_\_\_  
Signature

Dated: **March 13, 2006**

**Thomas Spinelli**  
Registration No. 39,533  
Scully, Scott, Murphy & Presser, P.C.  
400 Garden City Plaza-STE 300  
Garden City, New York 11530  
(516) 742-4343

cc: TS:ab



**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant(s):** Hiroyuki Yonekawa, et al.

**Examiner:** David A. Redding

**Serial No:** 10/768,332

**Art Unit:** 1744

**Filed:** January 30, 2004

**Docket:** 17414

**For:** GENE EXAMINING APPARATUS  
AND METHOD OF DETECTING  
TARGET NUCLEIC ACID USING  
THE SAME

**Dated:** March 13, 2006

**Confirmation No.:** 6530

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, it is requested that the following references, which are also listed on the attached Form PTO-1449, be made of record in the above-identified case.

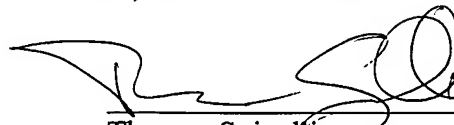
1. United States Patent Application No. 5,605,662, dated February 27, 1997, issued to Heller et al.;
2. Strizhkov, Boris N., et al., "PCR Amplification on a Microarray of Gel-Immobilized Oligonucleotides: Detection of Bacterial Toxin- and Drug-Resistant Genes and Their Mutations", Biotechniques, 29(4): 844-857;

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: March 13, 2006

  
Thomas Spinelli

3. Chechetkin, V.R. et al., "Sequencing by Hybridization with the Generic 6-mer Oligonucleotide Microarray: An Advanced Scheme for Data Processing", Journal of Biomolecular Structure & Dynamics, 18(1): 83-101 (2000);
4. European Patent Publication No. 1 006 363 A2, published June 7, 2000; and
5. PCT International Publication No. WO 02/089982 A2, published November 14, 2002.

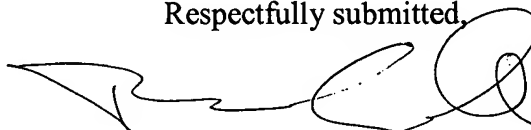
The references were cited in a Supplementary Search Report dated February 8, 2006 received from the European Patent Office. Applicants are submitting copies of the above-cited references, together with a copy of the Search Report. The relevance of the references has been described in the Search Report.

In accordance with the waiver of 37 C.F.R. § 1.98 (a)(2)(i) in effect as of June 30, 2003, applicants are not required to submit copies of the above-cited U.S. Patent reference 1.

Further, the undersigned hereby states that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

Inasmuch as this Information Disclosure Statement is also being submitted in accordance with the schedule set out in 37 C.F.R. § 1.704(d), a statement is attached.

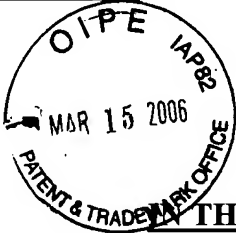
Respectfully submitted,



Thomas Spinelli  
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400 Garden City Plaza-STE 300  
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TS:ab



**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant(s):** Hiroyuki Yonekawa, et al.

**Examiner:** David A. Redding

**Serial No:** 10/768,332

**Art Unit:** 1744

**Filed:** January 30, 2004

**Docket:** 17414

**For:** GENE EXAMINING APPARATUS  
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THE SAME

**Dated:** March 13, 2006

**Confirmation No.:** 6530

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT PURSUANT TO 37 C.F.R. § 1.704(d)**

Sir:

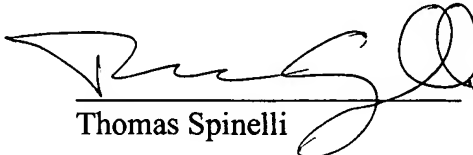
I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement.

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

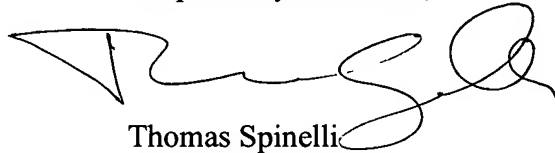
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 13, 2006.

Dated: March 13, 2006

  
Thomas Spinelli

Therefore, this Information Disclosure Statement cannot be considered a failure to engage in reasonable efforts to conclude prosecution of the application under paragraphs (c)(6), (c) (8), (c) (9), or (c) (10) of 37 C.F.R. § 1.704.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Spinelli', with a large, stylized loop at the end.

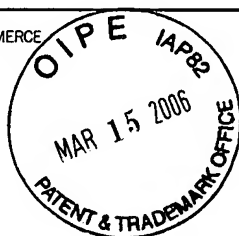
Thomas Spinelli  
Registration No. 39,533

Scully, Scott, Murphy & Presser, P.C.  
400 Garden City Plaza - Ste. 300  
Garden City, New York 11530  
(516) 742-4343

TS:ab

# **LIST OF PRIOR ART CITED BY APPLICANT**

(Use several sheets if necessary)



**Atty. Docket No.**  
17414

**Serial No.**  
10/768,332

**Applicants**  
Hiroyuki Yonekawa, et al.

**Filing Date**  
January 30, 2004

**Group**  
1744

## **U.S. PATENT DOCUMENTS**

EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (if appropriate)
	1.	5,605,662	2/27/97	Heller et al.			

		Foreign Document Number	Date	Country	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	4.	EP 1 006 363 A2	6/7/00	EPO			YES	
	5.	WO 02/089982 A2	11/14/02	PCT			YES	

## **OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)**

	2.	Strizhkov, Boris N., et al., "PCR Amplification on a Microarray of Gel-Immobilized Oligonucleotides: Detection of Bacterial Toxin- and Drug-Resistant Genes and Their Mutations", <u>Biotechniques</u> , 29(4): 844-857
	3.	Chechetkin, V.R. et al., "Sequencing by Hybridization with the Generic 6-mer Oligonucleotide Microarray: An Advanced Scheme for Data Processing", <u>Journal of Biomolecular Structure &amp; Dynamics</u> , 18(1): 83-101 (2000)

**EXAMINER**

**DATE CONSIDERED**

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.